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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 09/928,396 | 08/14/2001 | Yoshinobu Izawa | MAR74 001 6305 | | |
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| DUANE MORRIS LLP | | | EXAMINER | | |
| 1667 K STREET, N.W. SUITE 700 | | | HRUSKOCI, PETER A | | |
| WASHINGTON,, DC 20006 | | | ART UNIT PAPER NUMBE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. Optice Action Summary | • | | | | | | | | | |
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| Examiner | | Application N | o | Applicant(s) | | | | | | |
| Peter A. Hruskoci - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of enem pite available under the projectors of 37 CPR 1.78(a), in no event, however, may a reply be timely filed Extensions of enem pite available under the projectors of 37 CPR 1.78(a), in no event, however, may a reply be timely filed Extensions of enem pite available under the projectors of 37 CPR 1.78(a), in no event, however, may a reply be timely filed If the period for reply appendix on the interview of 37 CPR 1.78(a), in no event, however, may a reply be timely filed If the period for reply appendix on the period little apply within the statutory minimum of theiry (30) day will be considered timely. If the period for reply appendix on the order of the period for reply vall legislation on the period of the communication. Fairure to supply within the act or extended period for reply vall, by statistic, name the application become ASMPONED CB US U.S. C, \$133. Part of the period for reply application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Calims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. Claim(s) 1-14 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are rejected. 7) Claim(s) is/are objected to by the Examiner. 11) The proposed drawing correction filed on is: a) accepted or by is/are objected to by the Examiner. 12) The oath or declaration is objected to by the Examiner. 13) Acknowledgment is made of a claim for foreign prio | • | 09/928,396 | | IZAWA, YOSHING | DBU [∥] | | | | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edentions of time may be available under the provisions of 3 CPR 1.136(a). In a event, however, may a reply be timely filed after SIX (5) MONTH'S from the mailing date of this communication. Edentions of time may be available under the provisions of 3 CPR 1.136(a). In no event, however, may a reply be timely filed after SIX (5) MONTH'S from the mailing date of this communication. Education of time may be available under the provisions of 3 CPR 1.136(a). In no event, however, may a reply be timely filed after SIX (5) MONTH'S from the mailing date of this communication. Fallula to reply within the set or estanded period for reply will, by statuto, cause the application to become ABANDONED (58 U.S.C. § 133). Any reply sectived by the Official bethe here were mide start the mailing date of the communication, even if timely filed, may reduce any Status 1) Seption Six (5) Six (1) Six (| Office Action Summary | Examiner | | Art Unit | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of time may be available under the proteitions at 37 CFR 1.38(a). In no event, however, may a reply be timely filled If the profest or may seperified above, the maintimus statistically proteined will apply and will explore SIX (S) MXNTHS from the mailing date of the communication of their (30) days will be considered timely. If NO period for reply is pecified above, the maintimus statistically proteined will apply and will explore SIX (S) MXNTHS from the mailing date of the communication | | | | | | | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Editaricism of time may be available under the provision of 30 CPR 1.136(b). In no event, however, may a reply be flinely filed after SX (6) MONTHS from the mailing date of this communication. If the period creatly expended for entry specified works has than the Wig Cid days, a reply within the adulatory minimum of thisty (20) days will be considered firmly. If the period creatly specified works has than the Wig Cid days, a reply within the adulatory minimum of thisty (20) days will be considered firmly. If the period creatly struct office and the then then the months and the the mailing date of this communication. The period of the communication of | | pears on the cov | er sheet with the | correspondence ac | ldress | | | | | |
| 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration. 5) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration. 5) Claim(s) 1-14 is/are rejected. 7) Claim(s) 1-14 are subject to restriction and/or election requirement. Application Papers 9) The propers 9) The presideation is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some C) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. | THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a replection of the period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statute. - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | 136(a). In no event, ho ly within the statutory r will apply and will expi e, cause the application | wever, may a reply be ti ninimum of thirty (30) da re SIX (6) MONTHS fron n to become ABANDONI | mely filed ys will be considered time the mailing date of this o ED (35 U.S.C. § 133). | y. ommunication. | | | | | |
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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6 and 9-14, drawn to an apparatus, classified in class 210, subclass 242.1.
- II. Claims 7 and 8, drawn to a method, classified in class 210, subclass 702.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used in a materially different method such as a method for recovering hydrocarbons from emulsions.

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. During a telephone conversation with L. Lawton Rogers on 3-28-03 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-6 and 9-14. Affirmation of this election must be made by applicant in replying to this Office

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action. Claims 7 and 8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

- 5. The disclosure is objected to because of the following informalities: In the specification on page 17 line 13 "dose" is erroneous and should be changed to does -.
 Appropriate correction is required.
- 6. Claims 1-6 and 9-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 9 are considered incomplete because it is essential that the upper chamber include the raw water inlet and treated water outlet, and that the lower chamber include a water inlet and outlet, and that the upper chamber be capable of treating the water to form treated water and a sludge. In claim 6 "the treatment", "the treated water and sludge separating", "the timing of the steps of the raw water treatment", and "the treatment of the raw water" lack clear antecedent basis. In claim 9 "plated" and "an removing" appear to be erroneous and should be changed to plate and and removing -, respectively. Claims 2-5 and 10-14 depend from the above claims.
- 7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Monnet. It is submitted that Monnet disclose (see col. 2 line 10 through col. 3 line 45) the structure of the apparatus recited in the instant claim.
- 9. Claims 9 properly written to overcome the above 35 USC 112 rejection would be allowable. Claim 1 properly written to overcome the above 35 USC 112 rejection and to include claim 2 or 14 would be allowable.
- 10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (703) 308-3839. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 872-9310 (non-after finals) and 703-872-9311 after finals.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Peter A. Hruskoci Primary Examiner Art Unit 1724

P. Hruskoci April 4, 2003